

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: IN RE APPLICATION OF INTERNATIONAL :  
: MINERAL RESOURCES B.V. :  
:

: For an Order Pursuant to 28 U.S.C. § 1782 to :  
: Conduct Discovery for Use in Foreign Proceedings :  
:

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LORNA G. SCHOFIELD, District Judge:

Petitioner International Mineral Resources B.V. moves for an order pursuant to 28 U.S.C. § 1782 authorizing it to take discovery from Respondent Scott Horton, a resident of New York, for use in foreign proceedings. Specifically, Petitioner requests that the Court order the issuance of a subpoena directing Respondent to produce documents and to provide deposition testimony, as described in the subpoena attached to the Declaration of Jonathan D. Cogan as Exhibit A at Docket No. 3 (the “Subpoena”), for use in ongoing and contemplated litigation in the Netherlands.

The Court is satisfied that the application is proper under 28 U.S.C. § 1782: (1) Respondent lives in this District; (2) the discovery is sought for use in proceedings before a foreign tribunal; and (3) Petitioner -- as the appellee in ongoing litigation and the potential plaintiff in contemplated litigation in the Netherlands -- is an interested party in those proceedings. The Court also finds that the discretionary factors, as described in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-266 (2004), weigh in favor of granting Petitioner’s application.

Accordingly, it is hereby **ORDERED** that Petitioner’s application is GRANTED. Petitioner may serve Respondent with the Subpoena, in substantially the form it appears as attached to the Declaration of Jonathan D. Cogan as Exhibit A.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 08/07/2015

15 Misc. 244 (Part I)

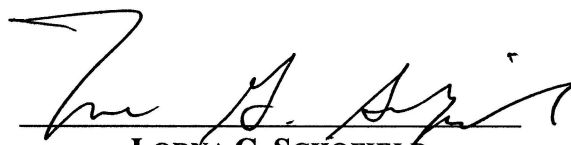
**ORDER**

It is further **ORDERED** that Respondent shall produce the documents and provide the deposition testimony as specified in the subpoena. Discovery shall be governed by the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.

Because Petitioner's application was presented ex parte, Respondent did not have an opportunity to respond. It is therefore emphasized that nothing in this Order shall be construed to have prejudicial effect on Respondent's right to file a motion to quash or on any other rights accorded to Respondent by the Federal Rules of Civil Procedure and the Rules of this Court.

SO ORDERED.

Dated: August 7, 2015  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**